

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 610

H. P. 455 House of Representatives, February 4, 1971
Referred to Committee on Health and Institutional Services. Sent up for
concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Martin of Eagle Lake.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

**AN ACT to Abolish Claim by State Against Estate of Deceased Recipients
of Aid to the Aged, Blind or Disabled.**

Be it enacted by the People of the State of Maine, as follows:

R. S., T. 22, § 3453, repealed. Section 3453 of Title 22 of the Revised Stat-
utes, as amended, is repealed as follows:

§ 3453. ~~Claims against decedent's estate~~

~~Upon the death of a person who is receiving aid to the aged, blind or dis-
abled or who has received such aid at any time during his lifetime, the State
shall have a claim against his estate, allowable in probate court and enforce-
able in accordance with Title 18, for all money payments paid under chap-
ters 951 to 957. Such claim shall have priority over all unsecured claims
against such estate, except:~~

- ~~1. Administrative expenses. Administration expenses, including probate
fees and taxes;~~
- ~~2. Expenses of last sickness. Expenses of last sickness.~~
- ~~3. Funeral expenses. Funeral expenses, not exceeding \$400, exclusive of
clergymen's honorarium and cemetery expense.~~

The Attorney General shall collect any claim which the State may have
against such estate. No such claim shall be enforced against any real es-
tate while it is occupied as a home by the surviving spouse of the recipient
and said spouse does not marry again. If the State participates in federal
funds for the purposes of chapters 951 to 959, a sum equal to the pro rata

~~share to which the United States is equitably entitled of the net amount collected from the estate of the recipient, with respect to aid to the aged, blind or disabled furnished him, shall be promptly paid by the Treasurer of State to the United States as required by the laws of the United States.~~

STATEMENT OF FACT

This bill will remove the claim against the estate of a recipient of aid to the aged, blind or disabled. Its passage may tend to increase case-loads, but probably not significantly so.

Our present annual recoveries from estates are about \$225,000 per year. Of this about \$145,000 is returned to the Federal Government. The balance of about \$80,000 is available for our use. However, our costs of collection are about \$15,000 per year of state funds. Net state fund benefit to us, therefore, of estate recovery is about \$65,000 per year. This revenue loss would not necessitate any adjustment of budget requests.